

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 12, 2005

D046713 In re Michael J. et al., Juveniles

The judgment is affirmed. McDonald, J.; We Concur: Nares, J., Aaron, J.

D047254 In re Rush on Habeas Corpus

The petition is denied.

D047234 Sharp Grossmont Hospital et al. v. Workers Compensation Appeal Board and Powell

The petition is denied.

D046867 Gene P. v. Danielle M.

The order allowing Danielle to move Bella to Florida is reversed. Each party is to bear his or her own costs on appeal. McIntyre, J.; We Concur: Haller, Acting P.J., Irion, J.

D047238 Sierra Optical et al. v. Workers' Compensation Appeals Board/Pimienta

The petition is denied.

D045066 People v. Avitia

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Judith Irion

Clerk: D. Moore

D047029 In re Victor M. et al., Juveniles

Matter called on merits. Christopher R. Booth, Esq. argued for appellant. Mary Mitchell, Deputy County Counsel argued for respondent. S. Paul Richards, Deputy Public Defender argued for the minor. Mr. Booth replied. Matter submitted.

Court recessed at 9:32 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Cynthia Aaron

D045848 People v. Fuentes

Cause called on merits. Collette C. Cavalier, Deputy Attorney General argued for appellant. Mathew Braner, Deputy Public Defender argued for respondent. Ms. Cavalier replied. Cause submitted.

Court recessed at 9:58 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Cynthia Aaron

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 12, 2005 (Continued)

D045774 Annette F. v. Sharon S.

Cause called on merits. John L. Dodd, Esq. argued for appellant. Annette F. argued for respondent in pro per. Mr. Dodd replied. Cause submitted.

Court recessed at 10:30 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Joan Irion

D046313 Hoveida v. Scripps Health et al.

Cause called on merits. Robert Martin Shauughnessy, Esq. argued for appellant. Blake R. Jones, Esq. argued for respondent. Mr. Shauughnessy replied. Cause submitted.

Court recessed at 11:02 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke
Clerk: D. Moore

D046009 Rogers v. San Diego County Regional Airport Authority

Cause called on merits. Leon E. Campbell, Esq. argued for appellant. John Pacheco, Esq. argued for respondent. Mr. Campbell replied. Cause submitted.

D046516 In re Brannidi W., a Juvenile

Cause called on merits. Valerie Lankford, Esq. argued for appellant. Linda Fabian, Esq. argued for the minor. Mary Mitchell, Deputy County Counsel argued for respondent. Ms. Lankford replied. Ms. Fabian replied. Cause submitted.

D045211 People v. Alvarez

Cause called on merits. Gerald P. Peters, Esq. argued for appellant. Ray Diguisepppe, Deputy Attorney General argued for respondent. Mr. Peters replied. Cause submitted.

Court recessed at 2:16 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D045277 People v. Felix

Cause called on merits. Marianne Harguindeguy, Esq. argued for appellant. Emily Torralba, Certified Law Student argued for respondent. Ms. Harguindeguy replied. Cause submitted.

D045699 Bates v. Malvestuto

Cause called on merits. Leon E. Campbell, Esq. argued for appellant. Thomas M. Monson, Esq. argued for respondent. Mr. Campbell replied. Cause submitted.

Court recessed at 3 p.m. until Tuesday, December 13, 2005 at 9 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
DIVISION ONE
December 13, 2005

D047291 In re Thomas on Habeas Corpus

The petition is denied.

D047622 Medtronic Minimed, Inc. v. The Superior Court of San Diego County/Bean et al.

At the request of petitioner, the petition for writ of mandate is dismissed. The stay issued December 7, 2005, is vacated.

D046093 Gillman v. Douzdjian et al.

Judgment reversed. Respondents to bear appellant's costs on appeal. Haller, J.; We Concur: McConnell, P.J., Aaron, J.

D047029 P.G. v. The Superior Court of San Diego County/San Diego Health and Human Services

The petition is denied. Nares, J.; We Concur: Benke, Acting P.J., Irion, J.

D047187 In re the Marriage of Gahn

The petition is denied.

D045833 People v. Lightfoot

The court is in receipt of Landria Lightfoot's letters dated November 29 and December 1, 2005. We treat the letters as a petition for rehearing and grant the petition. As noted in our letter of September 22, 2005, a letter Lightfoot states she did not receive, her appellate counsel has filed a brief stating no arguable issues can be found (*People v. Wende* (1979) 25 Cal.3d 436. Lightfoot shall have 30 days from the date of this order to personally file a supplemental brief.

As requested in Lightfoot's letters, we enclose copies of all correspondence between the court and appellate counsel; we also enclose copies of all correspondence from the court to Lightfoot. We are unable to provide the dates and signature of the person at the institution who received the correspondence because that information is unknown to the court.

The clerk of the Court of Appeal is directed to send Lightfoot copies of the letters between this court and Lightfoot and between this court and Lightfoot's appointed counsel. The clerk is also directed to send a copy of this order to Lightfoot's appointed counsel.

D045962 People v. Tovar

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Haller, J.

D046811 People v. Diosa

The order is affirmed. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.

D047183 In re Elizabeth H., a Juvenile

The appeal is dismissed. Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 13, 2005 (Continued)

D047257 In re Gallegos on Habeas Corpus

The petition is denied.

D044724 Davis et al. v Farmers Insurance Group

The petition for rehearing is denied. As to the tenor of the petition, the court refers counsel for appellants to Business & Professions Code section 6068, subdivision (b).

D047479 Karla L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Karla L. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

D045645 Darulis v. Department of Motor Vehicles

The petition for rehearing is denied.

Court convened at 9 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion
Clerk: D. Moore

D046866 Advanced Marketing Services, Inc. v. Superior Court/Federal Insurance Company

Matter called on merits. Steven Brower, Esq. argued for petitioner, Advanced Marketing. Michael Fredrick Perlis, Esq. argued for real party in interest, Federal Insurance Company. Mark G. Bonino, Esq. argued for real party in interest, Liberty Mutual Insurance Company. Susan Koehler Sullivan, Esq. argued for real party in interest, Columbia Casualty and etc. Mr. Brower replied. Matter submitted.

Court recessed at 9:39 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron

D045000 La Jolla Cove Motel and Hotel v. Jackman Jr., et al.

Cause called on merits. Jon R. Williams, Esq. argued for appellant/cross-respondent. Todd R. Gabriel, Esq. argued for respondent/cross-appellant. Cause submitted.

D045656 Tryon et al. v. DSB Enterprises, Inc.

Cause called on merits. Mark J. Dillon, Esq. argued for appellant. Rachel Christine Cook, Esq. was present in oral argument for appellant, but did not argue. Todd E. Kobernick, Esq. argued for respondent, DSB Enterprises. Mr. Dillon replied. Cause submitted.

Court recessed at 10:37 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Judith Haller and Cynthia Aaron

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 13, 2005 (Continued)

D044999 Bandt et al. v. Board of Retirement of the San Diego County Employees Retirement Association et al.

Cause called on merits. Richard H. Benes, Esq. was present in oral argument for appellant, but did not argue. Michael A. Conger, Esq. argued for appellant. Steven F. Rice, Esq. argued for respondent, Board of Retirement. Diane Bardsley, Deputy County Counsel argued for respondent. Mr. Conger replied. Cause submitted.

Court recessed at 11:42 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Terry O'Rourke
Clerk: D. Moore

D046013 In re Eddie A., a Juvenile

Cause called on merits. Charles R. Khoury, Esq. argued for appellant. Scott Taylor, Deputy Attorney General argued for respondent. Mr. Khoury replied. Cause submitted.

Court recessed at 1:43 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Alex McDonald

D045249 Schuster et al. v. Hilton

Cause called on merits. Philip Burkhardt, Esq. argued for appellant/cross respondent. Wayne W. Smith, Esq. argued for respondent/cross appellant, Hilton. Jeff Augustini, Esq. argued for respondent/cross-appellant, Hilton. Mr. Burkhardt replied. Mr. Augustini replied. Cause submitted.

Court recessed at 2:33 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

D045084 Lowe v. Lincoln

Cause called on merits. Donald James Loftus, Esq. argued for appellant. Philip M. McKenney, Esq. argued for respondent. Mr. Loftus replied. Cause submitted.

D045156 Allegretti & Company v. County of Imperial

Cause called on merits. Michael Munroe Berger, Esq. argued for appellant. Jeffrey Lee Marcus Esq. was present in oral argument for respondent, but did not argue. Antonio Rossmann, Esq. argued for respondent, County of Imperial. Mr. Berger replied. Cause submitted.

Court recessed at 4 p.m. until Wednesday, December 14, 2005 at 9:00 a.m.

D047332 In re Salzman on Habeas Corpus

The petition is denied without prejudice.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 13, 2005 (Continued)

D047316 Salzman v. The Superior Court of San Diego County/People
The petition is denied.

D047333 In re Salzman on Habeas Corpus
The petition is denied because it is moot.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 14, 2005

D047371 County of San Diego v. Cummings

Pursuant to California Rules of Court, rule 8, the appeal filed October 21, 2005, is dismissed for appellant's failure to timely designate the record.

D045153 People ex rel. Department of Transportation v. Hall

The judgment is affirmed. Hall is entitled to costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D046690 In re Alanna A., a Juvenile.

The order is affirmed. Aaron, J.; We Concur: Benke, Acting, P.J., McIntyre, J.

D047319 In re Alexander on Habeas Corpus

The petition is denied.

D047320 In re Lewis on Habeas Corpus

The petition is denied.

D046202 People v. King

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D047562 Parsky v. The Superior Court of San Diego County/Rancho Santa Fe School District Board of Trustees et al.

The petition is denied. The stay issued on November 23, 2005, is vacated.

D044833 People v. Johnson

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

D046818 In re S. G., a Juvenile

The judgment is affirmed. Aaron, J.; We Concur: McIntyre, Acting P.J., Irion, J.

D046622 In re Savannah C., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

Court convened at 9 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

Clerk: D. Moore

D046558 Commonwealth Land Title Insurance v. Norton

Cause called on merits. Michelle Brazdil Baker, argued for appellant. Alex Zarcone, Esq. was present in oral argument for appellant, but did not argue. James C. Mitchell, Esq. argued for respondent. Ms. Baker replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 14, 2005 (Continued)

Court recessed at 9:22 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

D046568 Campo Band of Mission Indians v. Superior Court/Bluehawk-RPI

Matter called on merits. Steven Michael O'Neal, Esq. argued for petitioner. Oliver Chami, Esq. argued for real party in interest. Mr. O'Neal replied. Matter submitted.

D046067 Ninkovic v. Charest

Cause called on merits. Louis G. Bruno, Esq. argued for appellant. Dean Robert Broyles, Esq. argued for respondent. Mr. Bruno replied. Cause submitted.

Court recessed at 10:41 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald
Clerk: D. Moore

D045798 Progressive Concrete, Inc. v. Parker

Cause called on merits. Cynthia Lee Stratton, Esq. argued for appellant. Robert A. Waller, Jr., Esq. argued for respondent. Ms. Stratton replied. Cause submitted.

Court recessed at 1:51 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke

D044689 People v. Archuleta

Cause called on merits. Carmela F. Simoncini, Esq. argued for appellant. Andy Mestman, Deputy Attorney General argued for respondent. Ms. Simoncini replied. Cause submitted.

D044426 People v. Guillen

Cause called on merits. Carl Fabian, Esq. argued for appellant. Andy Mestman, Deputy Attorney General argued for respondent. Mr. Fabian replied. Cause submitted.

D045949 Jaramillo v. Board of Geologists and Geophysicists

Cause called on merits. Anthony Jaramillo, argued for appellant in pro per. James M. Ledakis, Deputy Attorney General argued for respondent. Cause submitted.

D045809 Verne v. Dental Board of California

Cause called on merits. Rita M. Lane, Deputy Attorney General argued for appellant. Joseph G. Dicks, Esq. argued for respondent. Ms. Lane replied. Cause submitted.

Court recessed at 3:16 p.m. until Thursday, December 15, 2005 at 9 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 14, 2005 (Continued)

D046575 In re Marriage of Azimi

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 15, 2005

D046799 In re Matthew B., a Juvenile

The judgment terminating Kevin's parental rights is reversed. This matter is remanded to the juvenile court, with directions that it (1) require the Agency to give proper ICWA notice to the Blackfeet Tribe of Montana and the BIA, and (2) hold a new section 366.26 hearing. If, at the new section 366.26 hearing, the court determines ICWA notice was proper and a tribe does not seek to intervene or otherwise indicate Matthew is an Indian child as defined by ICWA, the court shall reinstate all of its previous findings and orders, including the termination of Kevin's parental rights. However, if an Indian entity determines that Matthew is an Indian child under ICWA, the court shall conduct the detention, disposition, and all later hearings in accordance with ICWA. The remittitur is to issue forthwith.

D044521 People v. Powell

The judgment is modified to stay the sentence on count 11. The superior court is directed to modify the court minutes in accordance with this opinion. As so modified, the judgment is affirmed. Huffman, Acting P.J.; We Concur: Aaron J., Irion, J.

D047350 In re Chen on Habeas Corpus

The petition is denied.

D047349 Brammer v The Superior Court of San Diego County/County Counsel of San Diego

The petition is denied without prejudice.

Court convened at 9 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

Clerk: D. Moore

D046061 Lamprides v. 22nd District Agricultural Association

Cause called on merits. Stephen Lamprides, argued for appellant in pro per. Deborah M. Fletcher, Esq. argued for respondent. Mr. Lamprides replied. Cause submitted.

D045686 Rulla v. State Farm Mutual Automobile Insurance Company

Cause called on merits. Sheldon A. Ostroff, Esq. argued for appellant. James L. Crandall, Esq. argued for respondent. Mr. Ostroff replied. Cause submitted.

D043529 Schuelke et al. v. Connor

Cause called on merits. Cynthia A. Fissel, Esq. argued for appellant/cross-respondent. Darren J. Quinn, Esq. argued for respondent/cross-appellant. Mr. Fissel replied. Cause submitted.

Court recessed at 10:04 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 15, 2005 (Continued)

D044880 La Jolla Cove Investors, Inc. v. Wrobel et al.

Cause called on merits. Michael B. Poynor, Esq. argued for appellant. Alan Lang Atlas, Esq. argued for respondent. Mr. Poynor replied. Cause submitted.

Court recessed at 2 p.m.

Court reconvened at 2:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

D044916 People v. Gonzalez

Cause called on merits. Jeffrey A. Needleman, Esq. argued for appellant. Anthony DaSilva, Deputy Attorney General argued for respondent. Mr. Needleman replied. Cause submitted.

Court recessed at 2:45 p.m. until Friday, December 16, 2005 at 9 a.m.

D046687 Bonnie P. et al. v. Superior Court of San Diego County/Jacqueline P.

Let a writ of mandate issue directing the superior court to vacate its order of June 16, 2005, granting Jacqueline P.'s petition for declaration of emancipation, and to enter an order denying the petition. This opinion shall become final five days from the date of filing. (Cal. Rules of Court, rule 24(b)(3)).

CERTIFIED FOR PUBLICATION McConnell, P.J.; We Concur: Huffman, J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 16, 2005

D045555 The People v. Innovative Financial Services Inc., et al.

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Nares, J.

D047456 Marisela V. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorneys for petitioners Elias V. and Marisela V. have notified the court on behalf of the petitioners that Petitions for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

D047526 Maria R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Maria R. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues for writ review. The case is dismissed.

D047331 In re Harris on Habeas Corpus

The petition is denied.

D047322 In re Kelly on Habeas Corpus

The petition is denied.

D047401 Rebecca Y. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

D044881 Western Light Source, Inc. v. Brookwood Kearny Mesa Investors, LLC

It is ordered that the opinion filed herein on November 22, 2005, be modified. There is no change in judgment. The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 16, 2005 (Continued)

D046004 In re Simonton on Habeas Corpus

The Presiding Judge of the Superior Court of the County of San Diego shall appoint a judge who, acting as a referee, shall hold an evidentiary hearing and make findings of fact on the following questions: (1) At some time after James Allen Simonton has been convicted and sentenced in San Diego Superior Court Case No. SCD160194, did the Honorable Michael D. Wellington, Judge of the Superior Court of the County of San Diego, make statements to Ms. Mireille Cauldren that he is convinced any defendant assigned to this court for trial on charges of sexual offenses against minors is guilty of the charged (or lesser included) offenses?

(2) If the answer to question (1) is yes, has Simonton demonstrated, considering the applicable presumptions (see *McIntyre v. Santa Barbara County Employees' Retirement System* (2001) 91 Cal.App.4th 730, 735; *Withrow v. Larkin* (1975) 421 U.S. 35, 47; cf. *Bracy v. Gramley* (1997) 520 U.S. 899, 909), Judge Wellington's statements to Ms. Cauldren in the manner and circumstances under which they were made, and any other evidence presented by petitioner and respondent, the Judge Wellington in fact holds an abiding conviction that any defendant who is assigned to his court for trial on charges of sexual offenses against minors is guilty of the charge (or lesser included) offenses?

The referee shall prepare and file with this court, and serve on counsel, a report of the proceedings conducted pursuant to this order, the evidence adduced and the findings of fact on or before March 31, 2006. The parties shall file with this court any objections to the referee's report on or before April 15, 2006.

Court convened at 9 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre

Clerk: D. Moore

D045925 Brazil v. Sara Lee Corporation

Cause called on merits. Kevin K. Green, Esq. argued for appellant. Craig C. Martin, Esq. argued for respondent. Mr. Green replied. Daniel S. Silverman, Esq. was present in oral argument for respondent, but did not argue. Cause submitted.

Court recessed at 9:25 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

D043877 Cities of Arcadia et al. v. State Water Resources Control Board et al.

Cause called on merits. Richard G. Montevideo, Esq. argued for respondent/cross-appellant. Terence Joseph Gallagher, Esq. was present in oral argument for respondent/cross-appellant, but did not argue. Gregory J. Newmark, Esq. argued for appellant/cross-respondent, State Water Resources Control Board and etc. Michael J. Levy, Esq. was present in oral argument for appellant/cross-respondent, State Water Resources Control Board, but did not argue. Mr. Montevideo replied. Mr. Newmark replied. Cause submitted.

Court recessed at 10:54 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 16, 2005 (Continued)

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices
James McIntyre and Joan Irion
Clerk: D. Moore

D046556 Cooper v. Superior Court/People-RPI

Matter called on merits. Norman Carter Hile, Esq. argued for petitioner. Ali Kazemi, Esq. was present in oral argument for petitioner, but did not argue. Holly Wilkins, Deputy Attorney General argued for respondent. Mr. Hile replied. Cause submitted.

D046607 Paradise Valley Hospital et al. v. WCAB/Guillerma Sangcap

Matter called on merits. Scott William Davenport, Esq. argued for petitioner. William Turley, Esq. argued for respondent, Sangcap. David Mara, Esq. was present in oral argument for respondent Sangcap, but did not argue. Mr. Davenport replied. Matter submitted.

D045018 People v. Fowler

Cause called on merits. Pamela G. Lacher, Esq. argued for appellant. Heather F. Crawford, Deputy Attorney General argued for respondent. Ms. Lacher replied. Cause submitted.

D046692 National Steel and Shipbuilding Company v. Superior Court/Godinez et al.-RPI

Matter called on merits. Larry Andrew Walraven, Esq. argued for petitioner. Thomas Tosdal, Esq. argued for real party in interest. Michael D. Singer, Esq. argued for amicus curiae, California Employment Lawyers Assn. Mr. Walraven replied. Matter submitted.

Court adjourned at 3:20 p.m.

D046159 Klein v. Albertson's

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, Rule 20(c)(2)).

D047436 Harith H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

D046926 In re Cache L., a Juvenile

This court's order of December 5, 2005, stated that the appeal would be dismissed if Appellant did not file her opening brief within 7 days of the date of that order. Appellant did not present her opening brief for filing until December 14, 2005, two days late. The appeal is accordingly dismissed. The clerk of this court is directed to return the opening brief to appellant.